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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/501,590	02/10/2000	Yukinori Yamamoto	35.C14250	4096

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EXAMINER
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ART UNIT	PAPER NUMBER
2613	9

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/501,590	Applicant(s) Yukinori Yamamoto
	Examiner Shawn An	Art Unit 2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *three* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Feb 10, 2003* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under ***Ex parte Quayle***, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-14* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. As per Applicant's instructions in Paper 7 as filed on 2/10/03, claims 1, 4, and 13-14 have been amended.

Response to Remarks

2. Applicant's arguments with respect to Ito et al and Satoru's references being improper based on Applicant's foreign patent filing date of 2/18/99 have been acknowledged. However, the remarks are considered moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-2, 10-11, 13, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Chung et al (6,301,303 B1).

Regarding claims 1, 7, 13, and 14, Chung et al discloses a decoding apparatus/method or computer readable storage medium (col. 2, lines 25-29) which stores a program, comprising including steps:

input means (Fig. 3, Bit Stream) for inputting a bitstream obtained by coding a plurality of object data in units of objects and multiplexing the coded data, wherein the bitstream includes management data for managing the plurality of objects, hierarchized;

separation (demux) means (21) for separating coded data of each object from the bitstream;

selection means (23) for selecting a predetermined object from the plurality of objects contained in the bitstream;

outputting means (22N) for decoding the coded data of the object in accordance with the management data and outputting object data; and

synthesis means (23) for synthesizing the object data outputted by the outputting means.

Regarding claim 2, Chung et al discloses MPEG 4 (col. 6, lines 16-25).

Regarding claim 10, Chung et al discloses monitoring means (Fig. 3, Output) for monitoring the object data synthesized by the synthesis means.

Regarding claim 11, Chung et al discloses communication means (communication line) for performing data communication with an external device (Fig. 3, Output), wherein the communication device transmits information representing that the bitstream is decoded.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al as applied to claim 1 above, and further in view of Bando et al (5,774,548).

Regarding claim 3, Chung et al does not particularly disclose descrambling means for descrambling the scrambled bitstream.

However, Bando et al teaches conventionally well known descrambling means (Fig. 1, 105) for descrambling the scrambled bitstream.

Therefore, it would have been considered quite obvious to a person of ordinary skill in the relevant art employing Chung et al's decoding apparatus to incorporate the descrambling means as taught by Bando et al so that the descrambling means performs descrambling the scrambled bitstream in order to permit authorized viewers an access to a particular cable channel.

Regarding claim 4, the Examiner takes official notice that the IPMP data is well known in the art. Therefore, it would have been considered quite obvious for the descrambling means to descramble the scrambled bitstream in accordance with intellectual property data in order to protect the copyright information, thereby controlling the scrambled bitstream based on an authentication verification.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et and Bando et al as applied to claim 3 above, and further in view of Takahashi (6,295,380 B1).

Regarding claim 5, Bando et al discloses read means (105) for reading descrambling data for descrambling the scrambled data in accordance with the data read by the read means.

The combination of Chung et al and Bando et al does not specifically disclose storing descrambling data in a well known IC card.

However, a storage medium such as an IC card is well known in the art.

Furthermore, Takahashi teaches an object data decoding apparatus as an object data processing apparatus (Fig. 12), and that IC card, ROM cassette, or the like may be used so as long as it can record a program (col. 29, lines 42-47).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a decoding apparatus as taught by Chung et al to incorporate the IC card as taught by Takahashi for storing program data such as a player subscriber information.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et as applied to claim 1 above, and further in view of Takahashi (6,295,380 B1).

Regarding claim 5, Chung et al does not specifically disclose read means for reading selection data for selecting the object, the selection data being stored in an IC card, and the selection means selecting the predetermined object from the plurality of objects in accordance with the selection data read by the read means.

Further, a storage medium such as an IC card is well known in the art.

Furthermore, Takahashi teaches read means (Fig. 12, 13a) for reading selection data for selecting the object, and the selection means selects the predetermined object from the plurality of objects in accordance with the selection data read by the read means (Fig. 16).

Takahashi also teaches an object data decoding apparatus as an object data processing apparatus (Fig. 12), and that IC card, ROM cassette, or the like may be used so as long as it can record a program (col. 29, lines 42-47).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a decoding apparatus as taught by Chung et al to incorporate the read means, selecting means, and IC card as taught by Takahashi so as to selectively choose objects in priority to meet the demands of cable subscribers.

9. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et as applied to claim 7 above, and further in view of Takahashi (6,295,380 B1).

Regarding claim 8, Chung et al does not specifically disclose an audio object.

However, an audio object in a decoder is well known in the art.

Furthermore, Takahashi teaches an audio object (Fig. 19, Pa4) in a decoder (Fig. 12).

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a decoding apparatus as taught by Chung et al to incorporate the audio object in the decoder as taught by Takahashi so as to synchronize the audio and the video information.

Regarding claim 9, Takahashi discloses a scene description object (Fig. 11, Sf).

10. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chung et al as applied to claim 11 above, and further in view of Fogg (6,466,624 B1).

Regarding claim 12, Chung et al does not specifically disclose data communication through Internet

However, Fogg teaches a communication means (Fig. 5, 509) might be utilized for Internet, WAN, LAN, etc.

Therefore, it would have been obvious to a person of ordinary skill in the relevant art employing a decoding apparatus as taught by Chung et al to incorporate Fogg's teaching of the communication means being utilized for Internet so as to display decoded video data to many subscribers in many geographical locations.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Le Berre et al (5,748,732), Pat TV method and device which comprise master and slave decoders.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn An whose telephone number (703) 305-0099 and schedule are Tuesday-Friday.

CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

SSA

April 18, 2003